

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.19374 of 1997

Dated:14.2.2007

Between
P.S.Ramulu

.....Petitioner

and

1.The Depot Manager,
APSRTC, Hyderabad and another.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.19374 of 1997

ORDER:

This writ petition is filed seeking a Certiorari to call for the records relating to the Award in I.D.No.666 of 1993 dated 24.9.1996 on the file of the Labour Court-I, Hyderabad and quash the same as arbitrary and illegal.

It appears that the petitioner was appointed as conductor in the 1st respondent- Andhra Pradesh State Road Transport Corporation (for short 'Corporation'}. While he was conducting the bus service on Bus No.AAZ 5838 from Hyderabad to Raichur, on 2.2.1990 a check was exercised at stage 7/9 Marikal after Mahaboobnagar. It was found by the checking officials that a batch of 6 passengers, who boarded the bus at

Hyderabad and were bound for Raichur were not issued tickets by the petitioner although he had collected fare of Rs.186/- from them. After conducting a detailed enquiry into the matter, the petitioner was removed from service. Therefore, he raised a dispute under Section 2 (A) (2) of the Industrial Disputes Act. The Labour Court after considering the entire material placed before it, came to the conclusion that the dismissal order passed by the respondent does not require any interference, therefore rejected the case of the petitioner. Aggrieved by the same, the present writ petition is filed.

The six passengers involved in the incident have categorically stated that they have paid the requisite fare of Rs.186 at the boarding point i.e., at Hyderabad, but the petitioner did not issue the tickets to them. In the explanation also, the petitioner himself admitted that though the passengers have paid the requisite fare, he did not issue the

tickets in view of the rush, therefore, he may be pardoned. In this regard, the Labour Court came to the conclusion that the petitioner had taken advantage of the gullible passengers and tried to defraud the revenue of the Corporation and thus committed the misconduct of not issuing tickets to the said 6 passengers from whom he had collected Rs.186/- at the checking point itself, though the bus travelled for more than 7 stages. The explanation submitted by the petitioner was found to be not satisfactory and the misconduct of the petitioner was proved beyond any reasonable doubt. It was further held that the misconduct committed by the petitioner cannot be viewed lightly and treated leniently and the petitioner does not deserve any sympathy. Any sympathy shown to the petitioner like this, would amount to misplaced sympathy and would result in miscarriage of justice.

I am of the opinion that the Labour Court

has not committed any error in coming to a conclusion that the petitioner does not desire for any sympathy or lesser punishment than that of removal from service. The misconduct is not only grave but was also proved in the light of the evidence placed before the Labour Court. Therefore, the writ petition is devoid of merits and is liable to be dismissed.

Writ petition is accordingly dismissed.
No costs.

14-02-2007

rkk